



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
3170 EAST MAIN STREET
CANON CITY, COLORADO 81212



FRONT RANGE RESOURCE ADVISORY COUNCIL MEETING
CANON CITY, CO
November 2, 2005

MINUTES

Group 1

Virginia Patton
Gene King
Charles Rech
Jim Coleman
Rick Thompson

Group 2

Lucy Bambrey
Josh Osterhoudt
Larry Strohl

Group 3

Loren Whittemore
Michael Bush
Joe Duda

RAC Members not in attendance: Donna Murphy and Jim Bensberg

GUESTS: Sal Pace, Congressman Salazar's Pueblo Office; SeEtta Moss, Arkansas Valley Audubon Society.

BLM/FS PERSONNEL: Roy Masinton, Ken Smith, Erik Brekke, Dave Hallock, Pete Zwaneveld, Marilyn Schuyler.

COUNCIL BUSINESS: Roy Massinton said the Secretary has not approved nominations for the RAC yet. He is hopeful the appointments will be made before the next meeting.

Council members set the meeting dates for 2006 as follows:

January 25, March 15, May 10-11, July 26-27, (San Luis Valley), September 19 and November 15, 2006

Jim Coleman recalled how the RAC had worked on the Standards and Guidelines (for grazing) several years ago and were more involved in important issues and helping to set local policy. He suggested the Council be more involved in some of these issues. There was some discussion in agreement with Jim's comments.

Roy Masinton commented there are a number of issues the Council could take on. One has to do with parity of fines between Federal, State and County agencies. The County and State have generally much stiffer fines than the Federal Government. Another important subject where the RAC could be involved is subdivisions wanting their own private access to Public Lands. This is something the RAC could take on to establish an acceptable policy.

Gene King asked something be put together on the potential issues and be mailed out to the RAC so they can have time to look at it and maybe provide input at the next meeting.

PUBLIC COMMENTS: SeEtta Moss, Arkansas Valley Audubon Society was part of a diverse group of westerners to go to Washington DC in September. They met with a number of members of Congress and discuss the importance of doing recreation planning for motorized use, especially Travel Management Planning. They also met with Jim Hughs the Deputy Director of BLM and some of his staff. She said it became clear that we are very fortunate here on the Front Range to have the Administration and Staff that we have, they have really set forth bench mark standards on doing Travel Management Planning. There are so many BLM areas that have not even started.

MANAGERS UPDATE:

Roy Masinton, Royal Gorge Field Manager: Nothing new has come out about the BLM Grazing Rule. The Government Accounting Office has done a study regarding grazing on public lands and found it to be uneconomical for the government. According to the study the BLM spends more money in administering grazing lands than what it collects in grazing fees.

Browns Canyon Wilderness: Legislation has been drafted, it has not been sent forward to the House at this point. BLM and the US Forest Service have been providing information to Congressman Hefley's Staff on that legislation as requested. The environmental groups are not happy with the water language that is in the Draft. Their preference is to be consistent with the Colorado Wilderness Act of 1993 and not include the language that says the Secretary can allocate water for the purposes of maintaining stream flows and ground water levels. Congressman Hefley's staff is working on this language.

The Smith Creek/Kremmling Land Exchange has been completed. This was a land exchange between the Royal Gorge Field Office and the Kremmling Office. Hopefully the Sipal Exchange in Park County will close soon. The Hayden Ranch exchange closed September 21st. It is hoped the Black Hawk Exchange will be completed by the fall of next year.

The Arkansas River Travel Management Planning process is in the last phase and alternatives are being developed. At the next meeting a full update of the alternatives will be presented for the RACs recommendations on the plan.

There is nothing new concerning the "Over the River" project. There was a meeting, with all of the respective agencies involved, in October. At this point, if the project is approved, the earliest it would occur is 2009.

Summary of current Environmental Assessment's, (Pete Zwaneveld):

Some of the major NEPA actions the Royal Gorge Field Office is working on are:

-There is a Recreations and Public Purposes Act application from Colorado State Parks for some land in Gilpin County they want to add to Green Ranch State Park which is under development. – Also from Gilpin County there is an application from the County for the same thing. – There is a proposed oil and gas well to be drilled on the southwest side of the town of Monument in El Paso County. It is on Pike National Forest land and next to a sub-division. The Forest Service is handling the EA but because BLM manages the minerals we are involved. – Another EA is the Powerline Trail in the Beaver Creek Wilderness Study Area. Part of the trail is eroding so BLM is proposing to reroute it to a better location. – The Cooper Mountain Fuels Reduction Project involves an area that had fires in the past and has also been logged. BLM is looking at fuels reduction projects because more sub-divisions are bordering public lands. – At the Ruby Mountain Recreation site there are two proposals - one to allow expanded handicapped access to launch at Ruby Mountain and the other considers letting commercial float fishing trips, that start up river, take-out at the site. – There is a proposal for goat grazing, southwest of Howard. The intent is to use the goats for weed control. However, there are Big Horn Sheep in that area and DOW is concerned because they don't like to have domestic goats getting close to wild Big Horn Sheep.

– The Council has been previously been briefed about an exchange with the City of Black Hawk and the Cooper Mountain exchange. – There is a communication site proposal near Buena Vista, currently there is a cell tower to the west of Town which does not cover all of the frequencies or provide good coverage to the Town. The proposal is to put a very low profile cell tower just above the town and east of the Arkansas River. – BLM has started an EA for Oil and Gas development in Yuma County and there is another one in Phillips County called the Lone Duck Field. – It has been proposed to do some development at the Salida East Dispersed Recreation Site and that is being evaluated. – There are two trails that were in the Gold Belt Travel Plan, one in Penrose Common Area and one near Seep Springs. The Recreation Planner is now evaluating where to construct these motorized trails. – BLM is proposing to make some Rule changes at Guffey Gorge northwest of Guffey because of overuse and improper use. This includes eliminating overnight camping and target shooting – A new EA just got started in Boulder County where there are lots of little slivers of public land. In many cases no one knew where the boundary lines were located and inadvertently built houses on them. Before this land is disposed of, BLM is trying to clear up 14 trespasses.

Ruby Mountain, (Roy Masinton): There is a proposal to allow commercial use of the Ruby Mountain Recreation Site for loading and launching handicapped individuals and guests within the same boat on commercial boat trips. Currently, family and friends are launched in a raft from the Fisherman's Bridge Recreation Site, which has steep terrain and multiple steps, and then floated down stream about 1 mile to Ruby Mountain to pick up the special population clients. The other part of the proposal is to allow Special Use Agreement Float Fishing Contractors to utilize the Ruby Mountain Recreation Site for the purpose of taking-out commercial float fishing trips at all flow levels on week days only. This would be limited to 10 boats per day.

The EA was sent out for public comment. All of the comments were in support, with the exception of an adjacent private landowner who stated he did not want to see this kind of use at Ruby Mountain. He also says his topographic map shows the last part of County Road 300 to be a 4-wheeled drive road. Chaffee County has provided written documentation that CR 300 is not a 4-wheel drive road and they claim it as a county road all the way up to the Ruby Mountain site. Roy and the South East Regional Manager of State Parks sat down with Mr. Pike on numerous occasions and tried to work out his differences. However this has not been successful.

After further discussion, Loren moved to draft a resolution in support the proposal as proposed in the EA, Larry Strohl seconded and it passed unanimously.

LUNCH

Spotted Owl Survey, Erik Brekke: Erik gave a presentation on the Mexican Spotted Owl surveys he has been doing in this part of Colorado. Sites in this area where surveys have been done are primarily north of Canon City and the Wet Mountain area. This is the northern edge of this subspecies range and these sites come and go as the populations change. Their habitat is probably some of the roughest county we have in Colorado, very steep canyons with lots of trees in the bottoms. Critical habitat in our area is all on Public Lands.

Ditch Company Improvement Work Upstream from Salida, Dave Hallock, BLM & Diana Humphreys, Army Corp of Engineers: The Salida Ditch Company did about 1 ½ miles of work on the Salida Ditch upstream of Salida, probably in May of this year. A lot of the disturbance is on BLM managed public land, the Railroad Right of Way and some on private land. The Salida Ditch Company leased equipment and did improvements on this ditch without contacting the BLM or the Army Corp of Engineers. The Ditch Company occasionally experienced “blow outs” due to animal activity and instead of the water coming down the ditch it would blow through the bank and go into the Arkansas River. From the disturbance of the land the assumption is that parts of the ditch itself have been moved and widened. Where the bank of the river was changed, the dirt is sloughing off into the river and there is no grass or vegetation on the banks to help with the run off. The River channel has been narrowed by up to 10 feet. Ultimately the fill and rock will probably wind up in the Arkansas River and damage the good fishing in this stretch of the river. An additional concern is that this does not set a precedent for ditch maintenance for other companies.

Under the 1866 Act, the Ditch Company has a historic right to construct and maintain the Ditch. It allows them to construct on BLM without any authorization. BLM’s position is that only the area that was originally constructed can be disturbed to maintain the ditch. BLM has sent out a letter that says we believe them to be in trespass. On the ¼ mile or so that is on public land, BLM is going to require them to apply and pay application fees for a Right of Way to authorize the work they have done outside the original disturbed area. That ROW would probably include a stipulation about reclamation, rehab, re-

vegetation and whatever is necessary environmentally. The timeline is important because in 5 months there will be spring high water and runoff.

The Corps of Engineers has authority under Sec. 404 of the Clean Water Act - any entity that places materials into a waterway or wetlands, generally needs a permit. There are some exemptions and one of them includes irrigation – ditches headgates, ponds, etc. The Ditch Company feels they are within the exemption and the Corps position is they are not exempt. The Ditch Co has indicated even though they do not agree they need a permit, they are willing to get an after-the-fact permit. The Corp is waiting to receive their application. For this type of permit, the Corp would issue a public notice and invite public comment, those comments are forwarded to the Ditch Company for their response. The Corp would do an EA that could possibly include some re-vegetation and reclamation work.

Jim Coleman asked both Dave Hallock and Diana Humphreys to keep them informed and let them know when the comment period begins.

The next meeting is January 25, 2006.

The meeting was adjourned at 3 p.m.

Roy L. Masinton
Royal Gorge Field Manager
Bureau of Land Management

Loren R. Whittemore
Chairman
Front Range Resource Advisory Council